

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

IN RE: VEHICLE TRACKING AND
SECURITY SYSTEM ('844) PATENT
LITIGATION

MDL NO. 11-2249

PJC LOGISTICS, LLC,

Plaintiff,

VS.

AAA COOPER TRANSPORTATION,
INC., et al,

Defendants.

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Case No. 0:11-cv-02550-DWF-SER

(Transferred from Middle District of Florida,
Civil Action No. 3:11-cv-00301-UAMH-TEM)

**PLAINTIFF PJC LOGISTICS, LLC'S
REPLY TO COUNTERCLAIM OF
DEFENDANT RYDER SYSTEM, INC.**

Plaintiff PJC Logistics, LLC (“PJC”), by and through its counsel, hereby submits this Reply in response to the Answer and Counterclaims of Defendant Ryder System, Inc. (“Ryder”).

COUNTERCLAIMS

1. Defendant Ryder System, Inc., is a corporation organized under the laws of Florida with its principal place of business at 11690 NW 105th Street, Miami, Florida 33178.

ANSWER: Admitted.

2. On information and belief, PJC purports to be a limited liability company organized under the laws of Texas with its principal place of business at 777 Enterprise Drive, Hewitt, Texas 76643.

ANSWER: Admitted.

3. This Court has subject matter jurisdiction over these counterclaims pursuant to 28 U.S.C. §§ 1331, 1338(a), 1367(a), 2201 and 2202, and 35 U.S.C. §§ 1, *et. seq.*

ANSWER: PJC admits that this Court has subject matter jurisdiction over Ryder's Counterclaim pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, under 28 U.S.C. §§ 1331 and 1338(a), under 1367(a), and under the patent laws of the United States, 35 U.S.C. § 1, *et seq.* for this action only.

4. PJC has submitted to the personal jurisdiction of this Court.

ANSWER: PJC admits that it initially brought this action in the Middle District of Florida and that the United States Judicial Panel on Multidistrict Litigation transferred this action to this district and that jurisdiction is proper in this district for this action only.

5. Venue is proper because PJC brought this action and consented to venue.

ANSWER: PJC admits that it initially brought this action in the Middle District of Florida and that the United States Judicial Panel on Multidistrict Litigation transferred this action to this district and that venue is proper in this district for this action only.

**COUNTERCLAIM ONE
DECLARATORY JUDGMENT OF NON-INFRINGEMENT**

6. Ryder repeats and realleges paragraphs 1-5 above as if fully set forth herein.

ANSWER: PJC incorporates by reference its responses to paragraphs 1 through 5 of this Reply as though fully set forth herein.

7. PJC purports to be the assignee and lawful owner of all right, title and interest in and to the '844 Patent, entitled "Vehicle Tracking and Security System", which issued on June 29, 1993.

ANSWER: Admitted.

8. PJC has sued Ryder in the present action, alleging infringement of the '844 Patent. Thus, an immediate, real and justiciable controversy exists between Ryder and PJC with respect to the alleged infringement of the '844 Patent.

ANSWER: PJC admits that there is an immediate, real and justiciable controversy between Ryder and PJC with respect to Ryder's infringement of the '844 Patent.

9. Ryder does not infringe, has not infringed, and does not and has not induced infringement or contributed to infringement of the '844 Patent under any theory, including literal infringement or infringement under the doctrine of equivalents.

ANSWER: Denied.

10. No claim of the '844 Patent can validly be construed to cover any product made, used, sold, offered for sale, or imported by Ryder.

ANSWER: Denied.

11. Ryder requests declaratory judgment that Ryder does not infringe, directly or indirectly, any claim of the '844 Patent.

ANSWER: PJC denies that Ryder is entitled to any such relief. Denied as to the merits of the counterclaim.

**COUNTERCLAIM TWO
DECLARATORY JUDGMENT OF INVALIDITY**

12. Ryder repeats and realleges paragraphs 1-5 above as if fully set forth herein.

ANSWER: PJC incorporates by reference its responses to paragraph 1 through 5 of this Reply as though fully set forth herein.

13. An immediate, real and justiciable controversy exists between Ryder and PJC with respect to the invalidity of the '844 Patent.

ANSWER: PJC admits that there is an immediate, real and justiciable controversy between Ryder and PJC with respect to the validity of the '844 Patent. Denied as to the merits of the counterclaims.

14. The '844 Patent is invalid for failure to comply with one or more provisions of

Title 34, United States Code, including but not limited to 35 U.S.C. §§ 101, 102, 103, 112 and 305.

ANSWER: Denied.

15. Ryder requests declaratory judgment that the '844 Patent is invalid.

ANSWER: PJC denies that Ryder is entitled to any such relief. Denied as to the merits of the counterclaims.

PJC denies that Ryder is entitled to any of the relief sought against PJC in its Prayer for Relief and Counterclaims. In addition, to the extent necessary, PJC generally denies any allegation in the counterclaims not specifically admitted above, and PJC re-alleges infringement, validity, enforceability, and damages, and denies any allegations in the counterclaim adverse to the same.

PRAYER FOR RELIEF

WHEREFORE, in addition to the relief requested in its Complaint, Plaintiff PJC respectfully prays that this Court:

- A. Dismiss Ryder's Counterclaims in their entirety with prejudice with respect to PJC, with Ryder taking nothing thereby;
- B. Deny all of Ryder's Counterclaims against PJC;
- C. Award PJC its costs and attorneys' fees incurred in defending against these Counterclaims; and
- D. Award PJC any and all further relief as the Court may deem just and proper.

Respectfully submitted,

Dated: November 8, 2011

/s/ Steven R. Daniels
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing PLAINTIFF PJC LOGISTICS, LLC's REPLY TO COUNTERCLAIMS OF DEFENDANT RYDER SYSTEM, INC. was served upon the counsel of record by electronically filing the document with the Clerk of the Court through the Electronic Filing System on the 8th day of November, 2011.

/s/ Steven R. Daniels
Steven R. Daniels